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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/712,840	11/12/2003	Thomas R. Ohnstein	H0005156 (1016.1140101) 9496		
128	7590 06/07/200	EXAMINER			
	ELL INTERNATION	ROJAS, BI	ROJAS, BERNARD		
101 COLUMBIA ROAD P O BOX 2245			ART UNIT	PAPER NUMBER	
MORRISTOWN, NJ 07962-2245			2832		
			DATE MAILED: 06/07/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s)					>			
### Part Unit Bernard Rojas 2832			Application No.	Applicant(s)				
### Bernard Rojas ### 2832 ### The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37°FR 13(6), in one event, however, may a reply be timerify field I NO period for reply is specified above, the maintainm statutory period will apply and will expire SX (6) MONTHS from the mailing date of this communication. Path from the mailing date of this communication, even if flundly filed, may reduce any served period time adjustment. See 97 of FR 1-1949. ##################################	Office Action Summany		10/712,840	OHNSTEIN ET AL.				
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DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 09/20/2005, with respect to the rejection(s) of claim 28 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made on claim 28 in view of Adams et al. [US 5,914,553].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. [5,914,553].

Claim 28, Adams et al. discloses a flexible member, comprising: an elongated body [52, 58, 60]; one or more electrostatically actuated actuators [69, 71] positioned at selected locations along the length of the elongated body, the one or more electrostatically actuated actuators, when activated, change the shape of the flexible member [member deforms along the direction of motion, 64]; and a controller for controlling the one or more electrostatically actuated actuators [130].

Art Unit: 2832

Allowable Subject Matter

Claims 1-10, 15-17, 19-21, 25-27 and 29-35 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1, the prior art of record does not teach nor suggest, in the claimed combination, an actuator device with a spine member having a length; a first plate and a second plate, the first plate fixed to the spine member at a first location along the length of the spine member and the second plate fixed to the spine member at a second location along the length of the spine member, wherein the second location is spaced from the first location; and a first actuator positioned between the first plate and the second plate for selectively creating a push and/or pull force between the first plate and the second plate to change the orientation of the first plate relative to the second plate the first actuator includes a first array of electrostatically actuated unit cells wherein atleast some of the elctrostatically actuated unit cells are actuated from an expanded state to a closed state in response to an applied electric potential and wherein at least some of the electrostatically actuated unit cells include: a first flexible member having a first electrode and a second flexible member having a second electrode wherein the first flexible member is attached to the second flexible member at selected spaced locations wherein the first flexible member is pulled toward the second flexible member when the electric potential is applied between the first electrode and the second electrode.

Claims 15, 29-31, 33 and 35, the prior art of record does not teach nor suggest, in the claimed combination, a flexible member with a spine member having a length; two or more plates attached at spaced locations along the length of the spine member,

selected plates forming a plate pair and one or more actuators positioned between and fixed to at least selected plate pairs for creating a push and/of pull force between the corresponding plate pair and to change the relative orientation of the plate pair.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Application/Control Number: 10/712,840

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bernal Rya